

good. I just hate to see us shorten this constitution down in an important part like this when we have provided all kinds of little details of how the General Assembly shall be run and how the Courts shall be operated. This is just going too far.

THE CHAIRMAN: Is there any further discussion?

Delegate Willoner.

Is Delegate Willoner in the room?

You asked a question before. I do not know that this would be an answer, but you might consider whether or not the existence of the Thirteenth Amendment to the Constitution of the United States would remove your concern as to imprisonment for debt.

Is there any further discussion?

DELEGATE WILLONER: Is that not the Schafley Article?

THE CHAIRMAN: It is indeed, but it goes much further than that.

DELEGATE WILLONER: Has it been held?

My only question was, and the question I had in committee, was simply if we eliminate this provision, can the legislature imprison for debt?

The answer was, as I recollect, and as Mrs. Bothe recollects, that it could.

Now, if it has been held otherwise, I am glad to go along with Mr. Scanlan.

THE CHAIRMAN: I do not want to make an off-the-cuff comment on that. I would suggest to you that the Thirteenth Amendment would probably prevent the legislature from providing for imprisonment for debt. It certainly would be involuntary servitude for other than conviction of crime.

Delegate Kosakowski.

DELEGATE KOSAKOWSKI: Mr. Chairman, I rise in opposition to Delegate Scanlan's amendment. I believe this section is too important, and I believe if the lawyers cannot agree in here and there is any doubt, let's not eliminate this section. I believe it is important to leave it in rather than to create any doubts in the mind of anyone concerning imprisonment for debt.

I would urge this assembly to support the majority committee recommendation.

THE CHAIRMAN: Is there any further discussion?

Delegate James, did you want the floor?

DELEGATE JAMES: I just wanted to say that I do not feel like testing to see whether the Thirteenth Amendment of the federal Constitution will keep me from being incarcerated for debt in the event I became unfortunate in later life.

THE CHAIRMAN: Delegate Taylor.

DELEGATE L. TAYLOR: Mr. Chairman, I just want to make this point: There are many men who are ordered to pay a court order, and because of their particular education and training cannot obtain employment, and many times they may have the skills, but cannot obtain employment. So many times they are ordered to pay the court order and cannot find the means to pay the court order. And of course, many men have been imprisoned because they have fallen behind on the court order. Now this, of course, is a circumstance beyond our control, and of course they are imprisoned because of a social handicap. I feel therefore that we should keep this in the Constitution.

THE CHAIRMAN: Any further discussion?

Delegate Sherbow.

DELEGATE SHERBOW: My only suggestion is that no matter how this goes, the language in the report on page 6 which says, "If this prohibition were removed from the present Constitution, the General Assembly would have the power to prevent imprisonment for debt and could also provide exceptions as it so desired."

I end that quote, although there are a few lines more.

The Chairman's reference to the Thirteenth Amendment led me to say I most earnestly hope that by the time we get through we have in this as part of our deliberation a real memorandum of what the law will be, depending on what we do. I would hate to see it in this State.

THE CHAIRMAN: Are you ready for the question?

*(Call for the question.)*

The question rises on the adoption of Amendment No. 20 to Committee Recommendation R&P-2.

The Clerk will ring the quorum bell.

The question arises on the adoption of Amendment No. 20. A vote Aye is a vote in favor of Amendment No. 20. A vote No is a vote against.